

ORDINANCE NO. 290

AN ORDINANCE OF THE CITY OF LODI CREATING
A DEPARTMENT OF CIVILIAN DEFENSE AND PROVIDING FOR
THE ORGANIZATION, POWERS AND DUTIES
THEREOF

The City Council of the City of Lodi does ordain as follows:

SECTION 1. Declaration of Policy. The United States Office of Civilian Defense has recommended basic changes in the organization and functions of local defense councils to meet present war needs. It has become increasingly evident that many new activities vital to the war effort require central direction and control by local civilian defense organizations operating as official agencies of local government. This is as true of programs designed to aid industrial and agricultural production, to conserve the available supply of consumer goods, to help maintain a stabilized economy and the highest possible standards of community health and welfare, as it is of programs for the protection of life and property against the hazard of enemy attack.

Civilian defense now requires the active participation of every citizen. Defense council organizations established before the war in conformity with federal and state recommendations were intended to be planning and advisory agencies rather than operating agencies. It now becomes necessary to establish a civilian defense organization designed to organize, supervise and direct all municipal programs arising out of the war or which require organized community action.

SECTION 2. Department of Civilian Defense. There is hereby established within the government of the City of Lodi a department to be known as the Department of Civilian Defense, (hereinafter referred to as the Department), which shall consist of: (A) A War Council; and

(1) A Citizens Defense Corps, (2) A Citizens Service Corps. The Department shall be subject to direction and control by the War Council, as hereinafter provided,

SECTION 3. War Council. The War Council shall consist of the Mayor, who shall be ex officio chairman, the Commander of the Citizen Defense Corps, the Director of the Citizens Service Corps, and the Coordinator for the War Council, which offices are hereby created. Such offices shall be filled by appointment by the Mayor with the approval of the City Council who shall also have the power of removal of any of such appointees. Any vacancy in the War Council shall be filled in the same manner as an original appointment thereto,

SECTION 4. Powers and Duties of War Council. It shall be the duty of the War Council, and it is hereby empowered;

SECTION 4a. To initiate, coordinate and direct, except as otherwise provided by this ordinance, all activities made necessary by the war which directly affect the city government or which require organized community action.

SECTION 4b. To prepare and recommend for consideration by the City Council, rules, regulations or ordinances with respect to any matter deemed by the War Council essential to the war effort.

SECTION 4c. To prepare and issue an administrative manual supplementing the provisions of this ordinance, defining procedures to be followed and powers and duties to be exercised by the officers and members of the Department, whether volunteer or otherwise.

SECTION 4d. To enforce the lawful orders, and comply with the requests and recommendations of the federal or state government or any officer or agency thereof, when specifically requested to do so.

Except as to the powers granted in Section 4b hereof, the War Council may delegate any of its powers, functions, or duties to the Coordinator for the War Council, the Commander of the Citizens Defense Corps, or the Director of the Citizens Service Corps.

SECTION 4e. To request, and upon approval by the department head in charge thereof, to obtain the transfer of municipal personnel or property on either a temporary or permanent basis from any other department of the city government.

SECTION 4f. To prepare and recommend a budget for the expenditure of moneys appropriated or made available to the department by the city and of moneys received by the city from private sources or from the state or federal government for any of the objects or purposes of the department, and to submit the same for approval by the city council.

SECTION 4g. Within the limits of funds made available to the department, and subject to all applicable requirements of law or ordinance, the War Council shall have the power to employ necessary personnel, and to acquire by purchase or lease, such other facilities, equipment and supplies as are necessary to carry out the functions of the department.

SECTION 5. Coordinator for the War Council. The Coordinator for the War Council (hereinafter referred to as the Coordinator) shall have the following powers and duties:

SECTION 5a. The Coordinator shall be the executive officer of the War Council and shall exercise such powers of general supervision over the activities of the department, including the Citizens Defense Corps and the Citizens Service Corps, as the War Council shall determine to be necessary to effect a proper coordination of their activities,

SECTION 5b. The Coordinator shall organize and direct the **work** of the following administrative agencies of the War Council:

(1) A Volunteer Office, which shall serve **as** the recruiting office for the department. The Coordinator shall appoint a Director of the Volunteer Office, No recruitment of volunteer personnel for either branch of the department shall be made except through the Volunteer Office,

(2) A Training Division. The Coordinator shall appoint a Director of Training, who must be an experienced teacher. The Director of Training, with the approval of the Coordinator, shall select a training staff of qualified and experienced teachers and shall ~~re-~~select necessary training facilities. The Training Division shall be responsible for conducting **all** training programs for the department. The Training Director may certify and recommend to the Coordinator and the War Council for approval and use such training facilities as may now or hereafter be made available by other public or private agencies. **All** training courses must be reviewed by the Coordinator **and** approved by the War Council, and must be consistent with the **applicable** training regulations of the Federal Director of Civilian Defense.

Persons volunteering and accepted for service in the department may be designated by the War Council as trainees, pending satisfactory completion of their prescribed courses of **training**; provided, however, with respect to trainees of the Defense Corps, the Commander, in case of emergency, may direct such trainees to report for active duty with their respective units and services of the corps.

No person shall be appointed as a member of the department until he has satisfactorily completed the prescribed course of training for his unit or service, if such a course has been prescribed.

The Training Director shall certify to the Coordinator the name of each person satisfactorily completing his prescribed course of training. The Coordinator shall issue to each such person a certificate of completion of training and shall certify such person to the appropriate officer of the department for appointment.

(3) A War Information Division, which shall have the duty of employing all local informational facilities for the promotion of the programs and activities of the department. The Coordinator shall appoint a Director of the War Information Division, who shall have actual experience in at least one of the fields for dissemination of information. No press or radio release may be made by any member of the department and no published materials may be distributed until such release or materials has been reviewed by the War Information Division in accordance with rules to be established by the War Council.

SECTION 6. Citizens Defense Corps. The Citizens Defense Corps shall consist of the Commander and the following, services: (a) Staff of the Commander; (b) Emergency Fire Service; (c) Emergency Police Service; (d) Air Raid Warden Service; (e) Emergency Medical Service; (f) Emergency Public Works Service; (g) Emergency Utilities Service, including representatives of all essential public utility services, whether publicly or privately owned; (h) Auxiliary Group.

SECTION 7. Powers of the Commander. In addition to the powers and duties herein conferred, or which may be delegated to him by the War Council, the Commander shall have the following powers and duties:

SECTION 7a. The Commander shall organize, supervise, and direct the Citizens Defense Corps, in conformity with policies established by the War Council. In the establishment of such policies consideration shall

be given the recommendations of the Federal Director of Civilian Defense and other appropriate federal and state officers and agencies.

SECTION 7b. In case of enemy attack or during a period of air raid alarm and until such time as the emergency created thereby shall be declared ended either by the Commander or by the city council, the Commander shall have complete authority over the city government, and he shall have the right to exercise all police power vested in the city by the constitution and the laws of the State of California, including power during such time to issue and enforce rules, regulations and orders which he considers necessary for the protection of life and property. Whenever the Commander or the city council shall declare the emergency to be ended, the rules, regulations or orders issued by the Commander during the period of the emergency shall be of no further force and effect unless the city council shall itself legislate thereon.

SECTION 7c. The Commander shall hold periodic drills and such other tests of the effectiveness of the Defense Corps as may be necessary to assure its effective performance under emergency conditions.

SECTION 7d. The Commander shall establish at some safe and enclosed place in this city a control center, an alternate control center, and, if necessary, a district control center or centers, which shall be used in times of emergency as the centers from which the Defense Corps shall be directed and coordinated. The Commander shall designate the persons who shall be present in the control center, or centers, during times of emergency and drills, including the Chiefs of Emergency Services. No person shall be permitted to enter the control room

during the times of emergency unless he shall have a pass issued to him by the Commander. The Commander and the Chiefs of Emergency Services, with the approval of the War Council, shall designate deputies to take their places, exercise their powers and perform their duties in the control center in the event they are absent, become incapacitated, or are otherwise unable to act. The Commander shall staff, equip and operate the control center and the Citizens Defense Corps as nearly in accordance with the recommendations of the Federal Director of Civilian Defense as local conditions warrant.

In the event this city is included in any plan for the operation of a control center over a larger area within which this city is included, which plan calls for the presence therein of a representative of any of the Emergency Services of this city, the Commander, with the approval of the War Council, may authorize the chief of any such service or a representative designated by him to participate in such a plan and report to such a control center.

SECTION 8. Mutual Aid. The Commander, In accordance with the provisions of Chapter 323, Statutes of 1941, or other statutes authorizing joint exercise of powers, is hereby empowered to negotiate mutual aid agreements with the appropriate officers of other governmental agencies within a reasonable distance of this city and shall submit such proposed agreements to the War Council for its approval and thereafter to the city council for final approval,

Aid shall be given on behalf of the city in accordance with the terms of such agreements and may be given or requested only when authorized by the Commander. In the absence of such an agreement,

whenever in the judgment of the Commander the public interest requires it, aid may be dispatched to or requested from another governmental agency by the Commander.

SECTION 9. Local Property Officer. The local property officer, (heretofore or hereafter) appointed by the Mayor with the approval of the city council in conformity with regulations of the Federal Director of Civilian Defense, shall be under the direction and supervision of the Commander. He is authorized and directed to receive, account for, and distribute, in accordance with the orders of the Commander not inconsistent with the terms of any agreement under which property was given or loaned to the city, any personal property which has been or may hereafter be given or loaned to the city for the protection of persons or property against air raids and other war hazards. The local property officer shall perform such other duties as may be delegated to him by the War Council or the Commander.

SECTION 10. Citizens Service Corps. The Citizens Service Corps shall consist of the Director and the following divisions: (a) Division of Health, Welfare and Recreation; (b) Division of Transportation and Housing; (c) Salvage Division; (d) Consumer Interest Division; (e) Division of Agricultural and Industrial Production; (f) Division of Schools and Education; and (g) Division of War Bonds and Stamp. A special unit of neighborhood and block leaders shall be attached to the staff of the Director.

SECTION 10a. The Director shall organize, supervise, and direct the Citizens Service Corps, in conformity with policies to be established by the War Council. In the establishment of such policies, consideration shall be given to the recommendations of the Federal

Director of Civilian Defense, and other appropriate federal and state officers and agencies.

SECTION 10b. In addition to the **regular members** of the divisions and units of the Service Corps, the Director, with the approval of the War Council, may establish volunteer auxiliary forces to be attached to appropriate divisions and units of the Service Corps to assist the members of such divisions and units in the performance of their duties. Such auxiliaries, recruited for special, temporary or occasional duties, need not be required to take the oath of office and otherwise meet the requirements established for regular members and trainees of the department. Such auxiliaries may qualify for regular or special membership in the Service Corps, in accordance with rules and requirements established by the War Council.

SECTION 11. Powers of Appointment and Removal. Except as otherwise provided in this ordinance, officers ~~and~~ members of the Citizens Defense Corps and Citizens Service Corps **shall** be subject to appointment and removal as follows:

Chiefs of the Emergency Services and units and other officers and volunteer members of the Defense Corps shall be appointed by the Commander, with the approval of the War Council, except that the Chief of Police Department shall be Chief of the Emergency Police Service and the Chief of the Fire Department **shall** be Chief of the Emergency Fire Service,

Chiefs of the divisions and units and other officers and volunteer members of the Service Corps **shall** be appointed by the Director with the approval of the War Council.

The Chiefs of the Emergency Services of the Defense Corps

and Chiefs of the divisions of the Service Corps may reject any person recommended by the volunteer office who, in the opinion of the Chief, is not qualified to work in that Emergency Service or division.

In accordance with the provisions of this ordinance and rules established by the War Council, the Commander shall have power to remove any member of the Defense Corps and the Director shall have power to remove any member of the Service Corps; provided, however, that this ordinance shall not vest in the Commander or the Director authority to remove from his regular employment any officer or employee of any other department of the city government assigned to, or who, in the **normal** course of his other **duties**, is **made** a member of any Emergency Service or division of the Defense Corps or Service Corps. The power of removal **may** be delegated by the Commander or the Director to the Chiefs of Emergency Services or divisions.

SECTION 12. Services, Divisions and Units. The War Council shall have the power to revise the emergency services of the Defense Corps and the divisions of the Service Corps as set forth above; to create units within each of such services and divisions, to create additional services, divisions, or units, and to abolish any service, division, or unit if, in the opinion of the War Council, the more efficient execution of the **activities of the department requires such** action,

Emergency Services and units of the Defense Corps shall perform such duties as the Commander, with the approval of the War Council, may specify, Divisions and units of the Service Corps shall perform such duties as the Director, with the approval of the War Council, may specify.

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The War Council shall determine the number of members to be appointed to each of the Emergency Services of the Defense Corps and units thereof, and to each of the divisions of the Service Corps and units thereof.

SECTION 13. Oath of Office. Every member of the Department of Civilian Defense shall take such an oath of office as may be prescribed by the War Council at such time as the War Council shall determine.

SECTION 14. Identification. No member, trainee or auxiliary of the department shall wear or use any form of insignia authorized and prescribed by the Federal Director of Civilian Defense or the War Council unless and until he shall be authorized by the War Council, in accordance with the regulations of the Federal Director of Civilian Defense or the War Council, to wear such insignia. No other person shall be entitled to wear or use such form of identification, nor shall any other person represent himself to be a member of such department. Any person resigning or removed from his position as a member of the department to which he has been appointed or ceasing to act for any reason, shall immediately surrender to the person or agency from which the same was received any arm band, card or other means of identification prescribed for persons appointed pursuant to this ordinance and all other equipment, materials or supplies entrusted to him by or on behalf of the city.

Any person wearing or possessing, without proper authorization, the forms of insignia or other methods of identification restricted to members of the department or who falsely represents himself to be a member of such department, shall be guilty of a misdemeanor and upon conviction shall be punishable by fine of not to

exceed \$100 or imprisonment of not to exceed 30 days, or both.

SECTION 15. Other Departments Shall Cooperate with the Department of Civilian Defense. Every department, commission, board, officer and employee of this city shall cooperate with and assist the Department of Civilian Defense and ~~the~~ officers and employees thereof **so as** to enable the department and the officers and employees thereof to accomplish the objectives of this ordinance.

Every municipal agency and officer having jurisdiction over any officer or employee of the city is hereby authorized to comply with any request from the War Council for the transfer of municipal personnel or property to the Department of Civilian Defense.

Every officer or employee of this city assigned to the Department of Civilian Defense for the performance of full-time or part-time duties shall perform said duties as a part of the official duties of his position and in the course of his employment, notwithstanding the provisions of any ordinance, resolution, civil service or other rules and regulations, otherwise prescribing or limiting his duties or the duties of his position.

No person shall receive any compensation from the city for his services on the Department of Civilian Defense unless such compensation shall be expressly provided for by the city council. The foregoing shall not be deemed to deny to any officer or employee of the city his right to his normal compensation for the performance of his official duties, merely because those duties be deemed hereafter to be included within the civilian defense effort.

No officer or employee of this city shall suffer any reduction of pay or loss of civil service status or rights by reason of

his performance of services under the jurisdiction of the Department of Civilian Defense, if performed with the consent of or at the order or request of the board or officer in control of the department in which he is employed.

SECTION 16. Repeals and Succession. Ordinance No. 273, adopted on the twenty-third day of July, 1942, establishing a Defense Council, and all other ordinances and parts of ordinances in conflict herewith are hereby repealed. The War Council may ratify and approve such official acts of the Council of Defense as are in keeping with the provisions of this ordinance and thereby continue such acts in full force and effect as though originally enacted by the War Council.

SECTION 17. The "California War Powers Act" and all other acts and amendments, passed or to be passed, by the Legislature of this state, and approved by the Governor of this state, insofar as the same may deal with any subject matter or matters hereof, are herein referred to and made a part hereof to the extent that the same may be applicable, and to such extent shall supercede any provision hereof.

SECTION 18. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and shall take effect and be in force from and after its passage and publication as required by law. The following is a specific statement showing the urgency of this ordinance.

An emergency exists in the United States and in this State in providing adequate National and Local Defense. It is necessary that all information be gathered relating to National Defense and to provide for the proper cooperation and coordination of public and private agencies so that adequate Local Defense may be provided for at as

early a date as possible.

Approved this 5th day of May, 1943.

Arthur B. Rinn
Mayor.

ATTEST: J. F. Blakely
City Clerk.

Adopted in regular meeting of the City Council of the City of Lodi held Wednesday, May 5, 1943 by the following vote:

AYES: Councilmen, Coffield, Riggs, Spooner, Weihe and Rinn (Mayor)

NOES: Councilmen, None.

ABSENT: Councilmen, None.

J. F. BLAKELY, City Clerk.

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